

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KESHAV BHATTARAI, et al.,

Plaintiffs,

v.

KIRSTJEN NIELSEN, et al.,

Defendants.

Case No. [19-cv-00731-EMC](#)

**ORDER RE JOINT DISCOVERY
LETTER OF MARCH 4, 2019**

Docket No. 19

The parties have filed a joint letter regarding a discovery dispute. Having reviewed the letter, the Court hereby orders as follows.

Plaintiffs have leave to take early discovery. The Court previously rejected Defendants' jurisdictional argument in another TPS case. *See Ramos v. Nielsen*, No. C-18-1554 EMC (Docket No. 55) (Order at 18, 24). In addition, there is good cause for early discovery given the issues raised in the lawsuit.

Discovery beyond the administrative record and beyond the discovery produced in other TPS litigation shall be permitted. Plaintiffs are not limited to the administrative record because they have brought claims other than those governed by the Administrative Procedure Act. In addition, while there may be some discovery produced in other TPS litigation that is relevant to this lawsuit, it does not appear that such discovery was complete as to Nepal and Honduras, especially given the date of the decisions to terminate TPS as to these countries. To the extent Defendants claim burden, they have made only a conclusory assertion of such.

That being said, the Court does not have before it Plaintiffs' specific discovery requests. The Court also bears in mind Plaintiffs' representation that they are open to negotiating the scope

1 of the requests. Accordingly, the Court hereby orders the parties to meet and confer regarding the
2 scope of the discovery. Within a week of the date of this order, the parties shall file a joint letter
3 reporting back on their meet-and-confer efforts. If any disagreements remain, they shall identify
4 their respective positions and they shall also state their last offer of compromise. The joint letter
5 shall be directed – as shall all future discovery disputes – to Judge Kim, who is also the discovery
6 judge in the *Ramos* case.

7 This order disposes of Docket No. 19.

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9 **IT IS SO ORDERED.**

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11 Dated: March 5, 2019

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14 EDWARD M. CHEN
15 United States District Judge
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